

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
Norfolk Division

DANNETTA G. SPELLMAN,

Plaintiff,

v.

Case No. 2:17cv635

THE SCHOOL BOARD OF THE CITY
OF CHESAPEAKE, VIRGINIA,

Defendant.



ORDER

This matter comes before the court on Defendant's, the School Board of the City of Chesapeake, Virginia, Motion to Dismiss Amended Complaint (ECF No. 22) filed on June 4, 2018. The matter was referred to a United States Magistrate Judge by Order of July 2, 2018, (ECF No. 31), pursuant to the provisions of 28 U.S.C. § 636(b)(1)(B) and Federal Rule of Civil Procedure 72(b), to conduct hearings, including evidentiary hearings, if necessary, and to submit to the undersigned proposed findings of fact, if applicable, and recommendations for the disposition of the Motion.

The United States Magistrate Judge's Report and Recommendation (ECF No. 35) was filed on October 15, 2018. The Magistrate Judge recommended that the court grant in part and deny in part Defendant's Motion to Dismiss Amended Complaint.

By copy of the Report and Recommendation of the Magistrate Judge, the parties were advised of their right to file written objections thereto. The court has received no objections to the Magistrate Judge's Report and Recommendation, and the time for filing same has expired. Accordingly, the court does hereby **ADOPT AND APPROVE IN FULL** the findings and recommendations set forth in the Report and Recommendation of the United States Magistrate Judge filed October 15, 2018. The court **GRANTS** Defendant's Motion to Dismiss Amended Complaint with respect to Count II's claims for § 1981/1983 race discrimination and procedural and substantive due process violations, and **DENIES** Defendant's Motion to Dismiss Amended Complaint with respect to Count I's claim for race discrimination under Title VII, and Count III's claim for age discrimination under the ADEA.

The Clerk shall forward a copy of this Order to all parties of record.

It is so **ORDERED**.

/s/
Rebecca Beach Smith
RBS Chief Judge
REBECCA BEACH SMITH
CHIEF JUDGE

November 2 , 2018